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ABSTRACT

The paper discusses transportation as a related service for students with disabilities expecially as related to school-to-work transition activities. First, the legislative and legal basis for providing transportation services is discussed in the form of answers to frequently asked questions: why provide transportation? what is the basis for transportation as a "related service" in providing transition activities? what is the current state of affairs when providing transportation? (four court cases are cited). Next, ecologically-based and alternative transportation options are discussed, including use of public transportation, car pools, walking, funding sources for additional transportation, and school liability issues. (14 references) (DB)

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TRANSPORTATION AS A "RELATED SERVICE": ISSUES THAT INVOLVE TRANSITION ACTIVITIES

University of Missouri-Columbia
401 East Stewart Road
Columbia, MO 65211
(800) 392-0533 (in Missouri only)
(314) 882-2733

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ABSTRACT: Quality of transportation services will directly impart one's ability to lead an independent life. Access to adequate goods and services, educational and leisure resources, medical and rehabilitation services, as well as access to employment are dependent upon adequate transportation. This module provides information for providing transportation as a "related service."

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Overview

The success of transition services and activities depends upon a number of organizational structures and educational services. These structures and services provide a free and appropriate education which is necessary to the overall success of students with disabilities who are making the transition to independent living *(DeJong, 1981)*. Transportation is a related service that has not only a profound effect upon the success of the transition process, but also may represent difficult challenges for schools *(Wehman, 1988)*. School personnel responsible for developing community-based programs may find that their programming options are limited. They may also find that the quality of placements are determined by the transportation services that schools arrange. The purpose of this module is to discuss transportation as a related service necessary for implementing transition activities. First, the legislative and legal basis for providing transportation will be discussed. Second, ecologically-based and alternative transportation options will be discussed.

Frequently Asked Questions

Q. Why provide transportation?

A. Legislative enactments and court decisions over the past decade have created constitutional and legal mandates that all children, especially exceptional children, are entitled to a free, appropriate, non-arbitrarily determined, educational opportunity *(Hudgins & Vacca, 1985)*. This mandate includes providing those related services necessary to benefit from special education. The federal basis for providing transportation as a school service is P.L. 94-142, the Education for All Handicapped Children Act. Transportation is defined as a related service that is required to assist a student with a disability to benefit from special education. Transportation is defined to include: (a) travel to and from school and between schools; (b) travel in and around school buildings; and (c) specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a handicapped child [EHA-B sec. 121(a)13(b)13].

Q. What is the basis for transportation as a "related service" in providing transition activities?

A. The U.S. Congress did not clearly define every aspect and guarantee of those related services necessary to benefit from special education, including transportation. However, the Act (P. L. 94-142) has given parents due process guarantees and, therefore, the opportunity to question school practices that relate to their child being provided these services. If the multidisciplinary team, with parents being an active participant in the IEP process, establishes transportation as a related service, then the school must provide that service. Transportation becomes a mandatory related service if it is included in the IEP. This inclusion is

necessary to provide part of a free and appropriate program or if it is necessary for a child to receive other related services to get to or from a residential or special school, or to participate in extracurricular activities *(Howard, 1981)*.

Q. **What is the current state of affairs when providing transportation?**

A. The issue of transportation as a related service has been one area of litigation. In reviewing court cases, several recent cases related to providing transportation ensure access to a free and appropriate public education. In Kerr Center Parents Association v. Charles (1984), the court ruled that budgetary constraints may not become a consideration in denying transportation to students with disabilities. When a school failed to provide transportation services, compensation for providing transportation services became an issue (Hurry v. Jones, 1984). Parents were reimbursed for out-of-pocket expenses, compensation, and damages for time expended in transporting their child to and from school. In DeLeon v. Susquehanna Community School District (1984), the issue was whether a change in the method of transporting a child with a disability constituted a change in "educational placement." The court ruled that a change in mode of transportation does not generally constitute a change in "educational placement" since the change did not have a detrimental impact on the quality of education that the boy received. An examination of the contemporary legal scene favors a quality educational program for children and youth with disabilities. Courts have made favorable rulings when parents have exhausted their due process guarantees and when the lack of transportation services was found to impinge upon the access to a free and appropriate education. However, many questions related to transportation services have yet to be fully answered (see *Luflers, 1982; Mawdsley, 1984)*.

Q. WHAT OPTIONS EXIST FOR PROVIDING TRANSPORTATION IN TRANSITION?

A. While the legislative and legal mandates for providing transportation have been discussed, schools do not necessarily need to provide the service themselves. Their obligation is to see that it happens *(Hudgins & Vacca, 1985)*. Many parents and school personnel are committed to assisting the full growth and development of students with disabilities. Their role as advocates--a powerful concept in special education--may come in conflict with school practices. Transition specialists may find themselves advocating services or activities that have not been the experience of the school system. School systems often are faced with difficult decisions due to cost, lack of personnel, or other constraints. Their decision to provide transition services must consider a variety of transportation options in light of community resources. Two options will be discussed.

Ecologically-based Transportation

Ecologically-based transportation options may include the use of public transportation (e.g., bus, taxi, subway). Conveyances by public systems are typically preferred. Bus and subway systems provide community based training options that are economical, ecologically-based, and provide long-term service for independent living. However, two-thirds of all school districts in the United States are in rural settings *(Cole & Rankin, 1981)*. In Missouri, 92% of all school districts are in rural settings. In these settings, inadequate transportation may limit, not only the quality of service while the student is in school, but may also limit postsecondary options for independent living.

Numerous alternatives that are ecologically-based also exist and warrant consideration. Employee car pools may provide not only necessary transportation services, but also may provide additional opportunities for socializing and recreating with one's peers. Networking with other peers at nearby work sites may provide additional options. Parents, relatives and volunteers have also been providers of transportation services for youth, regardless of student's disabilities. This arrangement may be regarded as ecologically-based, if it is used on a temporary or short-term basis. Walking may be considered ecologically-based, since it will typically be a practical option when school, home and work site are in close proximity in a natural community setting. Depending upon adequacy of resources and setting, preferred transportation options will include those that provide long-term service for independent living.

Additional Transportation Alternatives

The focus of providing transportation services is on ecologically-based options that allow for training in natural settings. This training will allow students with disabilities long-term access for independent living. Due to lack of community resources and the severity of the disabling conditions, transition activities may need to rely upon non-ecological alternatives. Parents, relatives, volunteers, teachers, and teacher aides may provide transportation services on a long-term basis in their private vehicle. Schools may use tax incentives,[1] reimbursement and/or additional compensation (see DeLeon v. Susquehanna Community School District, 1984; Hurry v. Jones, 1984) to see that adequate transportation occurs. While schools may be concerned with liability *(Hamre-Nietupski, Nieputski, Bates, & Maurer, 1982)*, they can plan for this contingency *(Bluth, 1985; Turner, 1980)*. Schools may elect to provide insurance coverage or may reimburse transportation providers for securing adequate insurance. Schools may elect to provide transportation themselves. The multidisciplinary team may elect to use school buses when safety or security is an issue or when transition activities occur during evening hours. (Buses have been made available to students with disabilities during evening hours to secure access to other related services, e.g., physical therapy, occupational therapy, and to attend extra-curricular activities.)

In summary, quality of transportation services will directly impact one's ability to lead an independent life. Access to adequate goods and services, educational and leisure resources, medical and rehabilitation services, as well as access to employment, are dependent upon transportation. An examination of the contemporary legal scene indicates that court systems are becoming increasingly involved when inadequate transportation impinges upon the quality of the educational program.

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[1] If the child's education is publicly funded, IRS regulations allow parents to deduct any educational expense that they incur (e.g., transportation). This deduction is as a medical expense (See Annual Income Tax Guide, 1986). The mileage rate is $.09/mile.

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